

## **EXHIBIT 7**

*PPSAT's Notice of Appeal from Immediate Termination of  
Status as a Medicaid Provider dated July 13, 2018*



**BURNETTE SHUTT MCDANIEL**

Moving law forward.

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August 13, 2018

**VIA Hand Delivery**

**And VIA U.S. Mail**

Appeals and Hearings  
Department of Health and Human Services  
3220 Two Notch Road  
Columbia, South Carolina 29203  
Post Office Box 8206  
Columbia, South Carolina 29202-8206

**Re: Notice of Appeal from Termination of Planned Parenthood South  
Atlantic  
Pharmacy Medicaid Id. #: 715572  
NPI #: 1497049555  
Physician Group Medicaid Id. #: 143724  
NPI #: 1851438147**

Dear Sir or Ma'am:

Planned Parenthood South Atlantic ("PPSAT") submits this Notice of Appeal from the immediate termination of its status as a Medicaid provider on July 13, 2018.

The jurisdictional basis for this appeal is S.C. Code Ann. 44-6-190 and S.C. Code Ann. Regs. 126-152.

The issue in contest stems from Governor Henry McMaster's directive to South Carolina Department of Health and Human Services ("SCDHHS") to terminate PPSAT as a Medicaid provider. The history of that directive and subsequent termination is as follows. On July 5, 2018, "to prevent taxpayer dollars from directly or indirectly subsidizing abortion providers like Planned Parenthood," the Governor vetoed over 15 million dollars in family planning Medicaid funds, none of it directed to abortion. (**Attachment 1**, Letter from Henry McMaster, Governor, State of S.C., to S.C. General Assembly (July 5, 2018).)

A week later, on July 13, Governor McMaster issued Executive Order 2018-21, which directed SCDHHS to "deem" all abortion clinics and any affiliated physicians "unqualified" and to "immediately terminate them upon due notice and deny any future such provider enrollment applications for the same." (**Attachment 2**, S.C. Exec. Order No. 2018-21 (July 13, 2018).) On that same day, SCDHHS notified PPSAT that "[t]he Governor's actions result in Planned Parenthood no longer being qualified to provide services to Medicaid beneficiaries" and that it was terminating PPSAT effective immediately. (**Attachment 3**, Termination Letter from Amanda Q. Williams, Health Servs.

Acting Program Dir., SCDHHS Divs. of Health Servs.) It is from this Termination Letter that PPSAT takes this appeal.

This termination is without any basis in law. See, e.g., S.C. Code Ann. Regs. 126-400 *et seq.* (setting forth grounds for sanctions, including termination); S.C. Code Ann. Regs. 126-300 (providing that services are subject to procedural requirements described in the provider manuals); SCDHHS Healthy Connections Provider Enrollment Manual 2-3 to 2-5 (March 1, 2018) (setting forth grounds for provider termination). Moreover, the immediate effective date of the termination violated the terms of SCDHHS's agreement with PPSAT. Participation and Payment Agreement, <https://www.scdhhs.gov/sites/default/files/Participation%20%26%20Payment%20Agreement%20July%202017.pdf> (requiring 30 days written notice of termination).

Thank you for your consideration of this matter. If you need further information, please contact me at your convenience.

With kind regards, I am

Sincerely,



Kathleen McDaniel

[KMM/gbl]

Enclosures: Attachments 1-3

cc: Amanda Q. Williams, SCDHHS, Office of Health Programs